

Minutes
Public Hearing

Mrs. Mershon moved to excuse Mrs. Turner who was absent due to a medical emergency. Mr. Jarvis seconded the motion.

VOTE:

AYES	Dr. Bender, Mrs. Mershon, Mr. Paini, Ms. Rush-Ekelberry, Mr. Jarvis, Mr. Deeds
NAYS	

Motion carried.

Purpose of the Public Hearing: To hear public comments on the Appeal filed by Rockford Homes, Inc. seeking approval of a Site Development Plan (SDP-08-07) for an apartment use within a multi-family zoning area in the Planned Unit Development zoning for the Villages at Westchester which was denied by the Planning and Zoning Commission on November 10, 2008.

Presentation to Council:

Staff Report: Allan Neimayer

Mr. Neimayer presented maps on an overhead showing the area in question and stated that Rockford homes most recently filed to amend an earlier PUD zoning for condominiums to a SDP for apartment use. He showed on the presentation the zoning of the area from 1990 to present day and graphics of the proposed development.

Applicant: Richard C. Braham, Catherine A. Cunningham of Plank & Braham representing Rockford Homes, Inc.

Mrs. Catherine Cunningham presented Ordinance 59-90, which originally zoned a 743 acre development as PUD. She also presented Ordinance 17-01 which amended the original PUD and relocated the multi-family area to give it a more open environment. The overall density of the multi-family did not change at that time. The original PUD designated the overall density for single-family homes and multi-family dwellings within the entire PUD, not in each pod area which was later established in 2001. That is how the density may appear to have changed.

Ms. Cunningham stated that we are hear today, not for the re-zoning of land because it is already zoned PUD and multi-family, but for the administrative process of determining if the SPD of this particular 9 acres is in compliance with the PUD itself. Ms. Cunningham stated that there was a lot of public comment about the nature of the use of the land in preferring condominiums over apartments, but she did not hear any discussion as to why or how the SPD is not in compliance with the original PUD, nor discussion of shortcomings of the plan. She purported that the meeting with Planning and Zoning was a review process and not a public hearing. If it was to be disapproved, it is P&Z's duty to make specific arguments as to why the plan did not comply. Though she appreciates the public opinion, it has no place in this process.

Bob Yoakum, of Rockford Homes, stated that the original acreage was calculated before the area by the road was deeded to the Village. This accounted for the difference in acreage. Mr. Yoakum gave the history of this zoning...

1990- Property was bought by Virginia Homes

2001- Zoning was amended, land use was moved around, parkland and multifamily was added

2002- Rockford Homes purchased the land from Virginia Homes

2003- Final Development plan for Eagle Ridge Condos and original Canal Crossing Pats was submitted. Eagle Ridge was built over the next 4-5 years.

2005- Modification was made to the Canal Crossing plan taking it from Apartments to Condos... no construction was started.

2008- Canal Crossing Apartments plan was re-instated. Met with staff with the plan and modified the plan accordingly. The plan was denied.

Mr. Yoakum asked that Council re-visit and reverse the Planning and Zoning Commissions decision.

Mr. Deeds asked if a pond/clubhouse was removed from the plan. Mr. Yoakum stated that it was because the development is small and wouldn't support it. Also, the clubhouse and pool attract a younger clientele with a lot of children and that is not their target market. Their goal is to have a community without children.

Mrs. Mershon asked if their target market was older clientele, are the apartments handicapped accessible with raised outlets and ramps, etc. Mr. Yoakum stated that they will be ADA compliant. Mrs. Mershon asked about the other two buildings. Mr. Yoakum stated they do not fall under the same requirements. Mrs. Mershon noted then that they are not just targeting the elderly. Mr. Yoakum stated they are targeting “anyone who will rent them, frankly”.

Mrs. Mershon asked if they told the people who bought condos from them that apartments would be in the entry area. Mr. Yoakum stated that the apartments were the approved plan for the first year and a-half; the plan was modified to condos in 2003. Those that bought in the first year should have known. There was dissention among the crowd.

Mr. Deeds asked if there was a concern from Staff about the alignment of the street across Groveport Road. Mr. Neimayer stated that it was an issue that would have to be taken up in Tech Review and with the Traffic Engineers.

Mr. Gene Hollins restated the history of the zoning of the property before opening the floor for public comment. He stated that the area has always been zoned PUD (planned unit development) with a mix of different types of housing and a golf course. A lot of that was built out as single family housing. At one point, because there was a desire for a park near the golf course, they re-zoned that area from multi-family and moved the multi-family area back up toward Gender Rd. The current condo development was always multi-family. This all falls under development standards from 1990.

Mr. Deeds wanted to establish that this is not a re-zoning issue.

Village Resident Questions/Comments:
(Five Minute Limit per Person)

Jeffrey Bond, of 146 Washington Street, believes that the plan is not impressive. The fronts of the units should face the street. He also stated that there is a lot of history with Virginia Homes. They reneged on us. There was a club house promised that wasn't built. The park that was promised, has now been surrendered to the Village of Canal Winchester and now the tax payers have to pay for the upkeep of it instead of the homeowners of Villages of Westchester. Mr. Bond is outraged. This property is going to devalue properties. They don't deserve to be in this community. They are a big part of the mortgage crisis in this area... with houses that are priced \$40K and \$50K over their value. They only want to make a buck and he's had enough.

Steve Bowden, of 7335 Crossett Court, President of the Homeowner's Association for Villages of Westchester, presented a petition from residents stating that they agree with the decision of the Planning and Zoning Commission. He stated that he moved here 6 years ago because it is a great place to raise a family and apartments so close to his house wasn't part of that vision. People should take a look at the positives and negatives.

Rockford Homes has a lovely website with families and dogs and beautiful houses. Apartments are nowhere to be found on that website.

Stacy Boumis, of 6308 Rossmore Lane, wanted to talk about the options for Council so that we don't have to go through this again. There are three ways to initiate a re-zoning. Create your own development standards. Don't remain tied to standards made 18 years ago when you weren't here and most of the neighbors weren't here. Ms. Boumis reviewed vested rights and stated that Rockford Homes doesn't have any vested rights to proceed in the development. The PUD process has flexibility for Council and P&Z, as well as the developer. It doesn't have to go to Tech Review over the placement of the street. That in and of itself is grounds to deny the plan. If the road is shifted, that shifts the placement of the building, which changes the placement of the parking. It is not a minor change. She encouraged Council to make a motion to start the re-zoning process of that area.

Fred Bivens, of 6143 Eagle Ridge, President of the Eagle Ridge Condo Association, stated that the association's interaction with Rockford Homes has been less than stellar. He is here to speak about trust. Every one of the people that bought a condo from Rockford Homes was told that the golf course was going to expand, that there would be condos (not apartments). Two years ago when they were attempting to upgrade their rules and regulations to prohibit people from buying their condos and then renting them, they approached Rockford Homes and asked if they would sign the petition. Rockford Homes stated that they were building another condo development and didn't want to build another clubhouse. They asked if the new development could use the current clubhouse. When the answer was no, Rockford refused to sign the petition. There is no trust between residents and Rockford. Why did the Association take the time to change their rules so that owners cannot rent out their units? Because we don't want renters! We want homeowners.

Greg Johnson, of 7285 Bromfield Dr., stated that the layout of 112 units presents some problems, one of which would be the amount of staff required to care for and maintain that operation. He stated that it would require a full-time manager, a part-time leasing agent, a full-time grounds guy and a full-time maintenance man. The revenue from 112 units would not provide enough to pay for these positions. This would leave the property not cleaned up and picked up. He stated that there are plenty of apartments in the area. If that was a condo project, they would sell all of them. They would cause the houses to lose value and bring crime to the area. He recommends changing the usage from apartments to condos.

Terry Campbell, of 6655 Eagle Ridge, Secretary of Eagle Ridge Condo Association, feels that Rockford Homes is betraying the residents of Eagle Ridge by telling them that larger condos would be built on that site and then changing the site development plan.

Vicki Russo, of 7329 Old Creek Lane, stated that with the economy the way it is and credit reports getting hit, Rockford isn't going to attract the type of clientele that it is looking to attract. She asked Council to look further into what Rockford plans to do with the development.

Charles Sheets, of 6855 Falcon Dr., past president of Eagle Ridge Assoc, stated that when he moved to Ohio, in 2004 he looked at many cities and was impressed with Canal Winchester and with the Rockford Homes representative. He asked about the vacant plot of land. He was told that there would be upgraded condos. At each walk-through, it was re-iterated that there would be new condos built. Mr. Sheets noted again that their Rules and By-laws state that no one can rent out their units. It is because they have pride in their development and in this community.

Sharon Boehmer, 6952 Pearce Ln., stated that her main problem is the amount of traffic that will be generated. You can't decide who to rent to and there will be more families with kids and the already over-crowded Thrush Drive can't handle it. It is not safe.

Jimmy Ryan asked Council to do everything that they can legally do to keep this blight from happening to this community.

Peter Bowen, of 6339 Galston Ct., noted that Ms. Cunningham stated that this was a matter of administration and implementation and not a re-zoning. He wanted clarification as to whether this is just a time to look at a plan about the implementation of apartments or is there the possibility of putting it down. He wants to know if their objections hold any weight.

Mr. Hollins stated that Council will take all this into consideration and then make their decision.

David Thompson, of 6207 Mistover Lane, built a MI Home and was told that there would be no apartments in the development. He heard that there is the possibility that a vote may not be rendered tonight and he asked that with respect for the residents, Council not delay their vote but confirm the vote that was made on November 10th against these apartments.

Randy Smith, of 7191 Snowberry Lane, stated that it is interesting that the idea of apartments is now being entertained after all the high priced homes have been sold. It is not a stretch to say that these homes would not have been sold, had people known the apartments would be there. The driveway is a serious concern and a big safety issue. An apartment complex will increase the calls for service for both police and fire services. Mr. Smith asked if the Counsel was allowed time for rebuttal, would Council allow the residents the same courtesy.

Connie Beane is speaking on behalf of her mother who resides at 541 Groveport Rd. This development is being built literally right in her back yard. She has lived there for 40 years. Groveport Rd has never been a safe road. Not in 1969 and not now. There is a park and a swimming pool. People move here for community. Sense of community is more important than money.

Mike Redmon, of 6465 Tallman Ct, stated that regardless of what has happened in the past (agreements in zoning) it is in Council's hands to make the decision. He cautions Council against listening to Rockford homes when every person there is against it.

Ms. Cunningham began her rebuttal. She re-iterated the timeline of the zoning of the property. She stated that the way Village zoning code works, is that when a preliminary plan is approved in 2001, it would have expired in 5 years had nothing been built. However in 2001, there was an approval of a development plan for Eagle Ridge which she believes vested their plan. The Village's code doesn't distinguish between apartments and condos. The condominium plan expired after 2 years. There is no approved plan for this area at this time. Therefore, the apartment plan is not replacing a plan for condominiums, as there is no valid plan for condos at this point either.

Ms. Cunningham asked Mr. Neimayer if there was any discussion at the Planning and Zoning Commission meeting as to whether or not the plan met the code. Mr. Neimayer stated that there were no comments from Planning and Zoning. The staff recommendation was for approval in that it met the code.

She noted that she understands the opposition, but under zoning code you can't have an appeal of a legislative process. Ms .Cunningham believes that the standards of the code were met and that Planning and Zoning failed to meet it's obligation to approve the plan if it meets the code.

Mary Hildebrand, of Eagle Ridge Condominiums, asked if the condo plan expired, why hasn't the plan for the apartments expired.

Ms. Osborn read statements into record.

Nick Legg, of 6632 Lakeview Circle, e-mailed and stated that he is opposed to the apartments. See attached.

Rosemary and Robert Vance, of 7313 Bromfield Dr, faxed a letter expressing their displeasure at further building of apartments in Canal Winchester. See attached.

Mr. Robert Hawk, of 7239 Old Creek Lane, gave a statement over the phone to Ms. Osborn stating that he is against the apartments and believes that there are plenty of empty apartments in the area. See attached.

Petition was received asking Council to deny the request of Rockford Homes to build apartments within the Village of Canal Winchester. There are 169 names on the petition.

Council Comments/Questions:

Dr. Bender noted that he is appreciative and proud that so many people came out to express their opinions so clearly and eloquently.

Mr. Paini seconded that. It is great to see residents here with passion and excitement and they are aware that the residents put them there and they want to do what's right for the Village of Canal Winchester.

Adjournment

Dr. Bender moved to adjourn the meeting. Mr. Paini seconded the motion.

VOTE:

AYES

Dr. Bender, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mr. Jarvis, Mr. Deeds

NAYS

Motion carried. Time out 7:58PM